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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,700	12/05/2001	James Craig	34223	7663
116	7590	08/13/2004	EXAMINER	
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			CANGIALOSI, SALVATORE A	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/005,700

Applicant(s)

CRAIG ET AL.

Examiner

Salvatore Cangialosi

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/25/2002</u> | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 1-9 are rejected under 35 U.S.C. § 103 as being unpatentable over CTI (bridging paragraph pages 1 and 2) (Admitted prior Art) in view of Huang et al (381).

Regarding claim 1, CTI (See pages 1 and 2 of the specification) disclose method for recording electronic voice transactions employing stored data files substantially as claimed. The differences between the above and the claimed invention is the use of a security token. It is noted that, in as much as the security token is undefined and unspecified as to claim limitations, it is believed that any speech recognition would be readable thereon. Huang et al (See Figs. 1-4) show a voice verification process for telephone voice transactions. It would have been obvious to the person having ordinary skill in

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this art to provide a similar arrangement for CTI because voice recognition involves verification elements and verification and authentication are conventional functional equivalents. Regarding the neutral party limitations of claim 2, the use of a telephone server is a functional equivalent of a neutral party. Regarding Web limitations of claim 3, current Voice Over IP and digital audio sampling could obviously employ web channels substantially as claimed. Regarding claim 4, CTI (See pages 1 and 2 of the specification) disclose means for recording electronic voice transactions employing stored data files substantially as claimed. The differences between the above and the claimed invention is the use of a security token. It is noted that, in as much as the security token is undefined and unspecified as to claim limitations, it is believed that any speech recognition would be readable thereon. Huang et al (See Figs. 1-4) show a voice verification process for telephone voice transactions. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for CTI because voice recognition involves verification elements and verification and authentication are conventional functional equivalents. Regarding the neutral party limitations of claim 5, the use of a telephone server is a functional equivalent of a neutral party. Regarding Web limitations of claim 6, current Voice Over IP and digital audio sampling could obviously employ web channels substantially as claimed. Regarding claim 7, CTI (See pages 1 and 2 of the

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specification) disclose medium for recording electronic voice transactions employing stored data files substantially as claimed. The differences between the above and the claimed invention is the use of a security token. It is noted that, in as much as the security token is undefined and unspecified as to claim limitations, it is believed that any speech recognition would be readable thereon. Huang et al (See Figs. 1-4) show a voice verification process for telephone voice transactions. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for CTI because voice recognition involves verification elements and verification and authentication are conventional functional equivalents. Regarding the neutral party limitations of claim 8, the use of a telephone server is a functional equivalent of a neutral party. Regarding Web limitations of claim 9, current Voice Over IP and digital audio sampling could obviously employ web channels substantially as claimed.

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number (703) 305-1837. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached at (703) 305-9768.

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Any response to this action should be mailed to:


Commissioner of Patent and Trademarks

Washington, D.C. 20231

or faxed to (703)872-9306

Hand delivered responses should be brought to Crystal Park
V, 2451 Crystal Drive, Arlington, Virginia, Seventh
Floor(Receptionist).

Any inquiry of a general nature or relating to the status of
this application or proceeding should be directed to the
Technology Center 3600 Customer Service Office whose telephone
number is (703) **308-4177**.


SALVATORE CANGIALOSI
PRIMARY EXAMINER
ART UNIT 222